THE HON'BLE MS JUSTICE G.ROHINI

Writ Petition No.7234 of 2006

12.06.2006

Between:

APSRTC, rep. by its Managing Director, Musheerabad, Hyderabad

... PETITONER

AND

The State Transport Appellate Tribunal, Manoranjan Complex, M.J.Road, Nampally, A.P, Hyderabad rep. by its Presiding Officer and others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

Writ Petition No.7234 of 2006

ORDER:

This writ petition is filed by the A.P.State Road Transport Corporation (Corporation) questioning the order, dated 07.02.2003, in A.P.No.100 of 2002 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad (for short 'the Tribunal') setting aside the order passed by the second respondent, dated 04.04.2002, whereunder the request of the third respondent for grant of pucca stage carriage permit on the town service route – Chittoor Government Arts College to Ambodarapalli via Greamspet Municipal Old Bus Stand, Municipal New Bus Stand, Tana, Velkur, G.D. Nellore, Nasampalli cross, Nasampalli, Mukalthur, Thungundram cross, Atmakur and H/W.Gollappalli cross, was rejected.

I have heard the learned Standing Counsel appearing for the Corporation and perused the material on record. Despite notice, the respondents did not choose to appear either in person or through duly instructed counsel.

It is to be noted that the second respondent passed the order rejecting the permit on the ground that the route in question has overlapped 13.7 kms on the notified routes approved in G.O.Ms.No.25, dated 05.01.1977, in which no protection was given under the said scheme. However, the Tribunal without considering the scheme under G.O.Ms.No.1181, dated 07.12.1976, as well as under G.O.Ms.No.25, dated 05.01.1977, has reversed the order of the second respondent merely observing that the contention of the Corporation that the route was not formulated under Section 68(3)(ca)

of the Motor Vehicles Act, 1988 was not tenable.

The said procedure followed by the Tribunal cannot be accepted in view of the decision of the Constitutional Bench of the Supreme Court in **APSRTC v Regional Transport Authority and another**, wherein the Supreme Court had reversed the decision of the Full Bench of this Court and held that under Exception 2 contained in the Note appended to the Scheme permits can be issued only to the existing town services operating in the notified routes which means only existing operators on the notified routes are eligible for permits and fresh applicants or future applicants are totally ineligible for granting permits for town services operating on notified routes.

In view of the law laid down in the above decision, the order of the Tribunal, dated 07.02.2003, in A.P.No.100 of 2002 is set aside and the writ petition is allowed. Accordingly, the matter is remanded to the Tribunal for consideration afresh on merits and to pass appropriate orders in accordance with law, after hearing both sides. No costs.

_____

12.06.2006

VGB